

Appl. No. 09/920,481
Amdt. Dated 11/8/2005
Response to Office action dated 09/08/2005

REMARKS

Claims 1, 13, 22, 40 and 41 have been amended. Claims 1-30 and 40-41 are pending.

Disclaimers Relating to Claim Interpretation and Prosecution History Estoppel

Claims 1, 13, 22, 40 and 41 have been amended, notwithstanding the belief that these claims were allowable. Except as specifically admitted below, no claim elements have been narrowed. Rather, cosmetic amendments have been made to the claims and to broaden them in view of the cited art. Claims 1, 13, 22, 40 and 41 have been amended solely for the purpose of expediting the patent application process, and the amendments were not necessary for patentability.

Any reference herein to "the invention" is intended to refer to the specific claim or claims being addressed herein. The claims of this Application are intended to stand on their own and are not to be read in light of the prosecution history of any related or unrelated patent or patent application. Furthermore, no arguments in any prosecution history relate to any claim in this Application, except for arguments specifically directed to the claim.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 1-2, 4-6, 13-14, 16-18, 22-23, 25-27, 40-41 under 35 USC § 103 as obvious from Gifford et al. (USP 5,724,424) in view of Talati et al. (USP 5,903,878). This rejection is respectfully traversed.

Gifford is directed to a system for purchasing goods or information over a computer network (Gifford, Abstract). The information referred to in Gifford is news articles (Gifford, Figures 3 and 5, 5:45-48).

Talati is directed to a system enabling verification and validation of internet transactions between a party initiating an electronic payment for goods, a merchant and transaction administrator who validates the content of the transaction between the party and the merchant (Gifford, 2:51-67).

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Claim 1 is independent. Claim 1 recites the feature, "storing plural items of content, wherein the plural items of content are technical support information." The Examiner asserted that Gifford teaches this feature at Figure 1, item 65, Figure 2, and 4:43-51.

However, the portions of Gifford, which the Examiner cited, describe a "digital advertisement" database of a merchant computer performing a sale of goods. Gifford's "digital advertisement" is a product description and a price (Gifford, at 4:52-53) which may be presented as text, audio and video via a program (Gifford, at 5:3-6). Gifford's merchandise and newspaper articles are not the claimed "technical support information." Moreover, a thorough review of both Gifford and Talati fails to disclose the claimed feature, "storing plural items of content, wherein the plural items of content are technical support information." Therefore, claim 1 is not obvious from Gifford in view of Talati.

Independent claims 13, 22, 40 and 41 each recite the feature, "the items of content are technical support information." The argument for claim 1 thus applies to claims 13, 22, 40 and 41, rendering the rejection improper.

By virtue of their dependence from claim 1, claims 2 and 4-6 are patentable over Gifford in view of Talati.

By virtue of their dependence from claim 13, claims 14 and 16-18 are patentable over Gifford in view of Talati.

By virtue of their dependence from claim 22, claims 23 and 25-27 are patentable over Gifford in view of Talati.

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Claim Rejections - 35 USC § 103

The Examiner rejected claims 3, 15 and 24 under 35 USC § 103 as obvious from Gifford et al. (USP 5,724,424) in view of Talati et al. (USP 5,903,878) and further in view of Applicant Admitted Prior Art at paragraph [0004]. This rejection is respectfully traversed.

By virtue of their respective dependence from claims 1, 13 and 22, claims 3, 15 and 24 are patentable over Gifford in view of Talati. The specification at paragraph [0004] describes a human operator manually sending advertisements to a person. This feature does not overcome the deficiencies of Gifford in view of Talati as argued above. Thus, the rejection should be withdrawn.

Claim Rejections - 35 USC § 103

The Examiner rejected claims 7, 19 and 28 under 35 USC § 103 as obvious from Gifford et al. (USP 5,724,424) in view of Talati et al. (USP 5,903,878) and further in view of Applicant Admitted Prior Art at paragraphs [0003] - [0004]. This rejection is respectfully traversed.

By virtue of their dependence from claims 1, 13 and 22, claims 7, 19 and 28 are patentable over Gifford in view of Talati. The specification at paragraph [0003] describes that "it is desirable [. . .] to provide [. . .] virtually immediate access to information [. . .] [wherein] the information may take any form including technical support, advertisements, data sheets, notices, etc." Identifying an existing "desire" is not an "admission" that the solution existed at that time. Furthermore, the specification at paragraphs [0003] - [0004] states "Description of Related Art," not "Prior Art." Therefore, the Examiner's assertion that the Applicant "admits" prior art in paragraphs [0003] - [0004] is unfounded.

Moreover, the specification at paragraph [0004] describes a human operator manually sending advertisements to a person. Thus, the specification at [0003] and [0004] do not overcome the deficiencies of Gifford in view of Talati as argued above. Thus, the rejection should be withdrawn.

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Conclusion

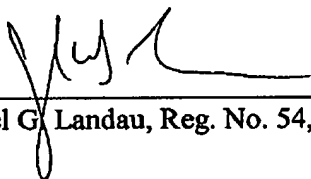
It is submitted, however, that the independent and dependent claims include other significant and substantial recitations which are not disclosed in the cited references. Thus, the claims are also patentable for additional reasons. However, for economy the additional grounds for patentability are not set forth here.

In view of all of the above, it is respectfully submitted that the present application is now in condition for allowance. Reconsideration and reexamination are respectfully requested and allowance at an early date is solicited.

The Examiner is invited to call the undersigned attorney to answer any questions or to discuss steps necessary for placing the application in condition for allowance.

Respectfully submitted,

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